IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1344 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 30-08-2004 in WPMP.No.19964 of 2004 in W.P.No.15393 of 2004 on the file of the High Court.)

Between:

A. Siva Sankar, S/o A. Ramanaiah,
R/o.West Gogulapalli, Allur Mandal, Nellore District.

..... APPELLANT

AND

Acharya N.G. Ranga Agricultural University, Rajendranagar,

Hyderabad, rep. by its Registrar.

.....RESPONDENT.

Counsel for the Appellant: Mr.M.RAVINDRANATH REDDY

Counsel for the Respondent: Mr.B.SIVA REDDY

The Court made the following:

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

Order passed by learned single Judge in W.P.M.P.No.19964 of 2004 in W.P.No.15393 of 2004 is under challenge in this appeal. Learned single Judge declined to grant interim relief of admission being granted to the petitioner-appellant into 1st year B.Sc. (Agri.) under Scheduled Caste (SC-C) category on the ground that unless the admission rule, which prohibits consideration of the candidature at the time of counselling unless latest caste certificate is produced, is set aside, no interim direction can be granted.

We have heard learned counsel for the appellant. He has placed reliance upon the judgment of the Supreme Court in **R.Kandaswamy v. Chief Engineer, Madras Port Trust** in support of his submission that caste certificate issued in favour of the appellant on 17-9-1993 by Revenue Divisional Officer, Kavali, in view of Section 21 of the A.P. (Scheduled Castes, Scheduled Tribes & Backward Classes) Regulation of Issue of Community Certificates Act, 1993 and Rules, 1997, should be presumed to be valid till it is cancelled or withdrawn.

We have gone through the decision relied upon, but do not find any force in the submission of the learned counsel for the appellant. The prospectus itself, required various certificates to be attached with the admission form and one of the certificates required to be attached to the admission form is caste certificate; which reads as under.

In the case of candidates belonging to Backward Classes, Scheduled Castes and Scheduled Tribes, latest certified copies of the Social Status Certificate to be issued by the competent authority (in the prescribed form given in the admission application form) furnishing the information as required therein should be produced by these candidates. Xerox copy of T.C. of the candidate issued by School/College authorities duly indicating castes should be produced. If parents employed, Xerox copy of first page of service register should be produced. The admission given under this quota shall be subject to clearance by the respective Directorates of Government. (List of STs, SCs and BCs is given in Appendix I).

Form 1 appended to Annexure to application is the format of caste certificate. Caste certificate issued on 17-9-1993 in favour of the appellant is not in the prescribed form

and is not in consonance with G.O.Ms.No.68, Social Welfare (J1) Department, dated 6-6-1997 categorising Scheduled Caste into A, B, C & D groups.

Learned single Judge was justified in declining to grant interim order on the ground that unless the condition in the admission form requiring furnishing of latest certificate in the format prescribed is set aside, the interim relief cannot be granted. We notice that, in the writ petition, there is no challenge to the said condition. Therefore, we find no merit in the appeal, which is dismissed.

Needless to add that any observations made in this appeal do not come in the way of learned single Judge in disposing of the writ petition on merits.

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(DEVINDER GUPTA, C.J.)

2nd September 2004.

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(C.V.RAMULU, J.)

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To

1. The Registrar, Acharya N.G. Ranga Agricultural University,

Rajendranagar, Hyderabad,

2. Two C.D. copies.